

Building the Communication Network Between the Federal and Local Governments

INTRODUCTION:

In its initial assignment from the Local Government Advisory Committee (LGAC), the Outreach Subcommittee [recently renamed the Process Subcommittee] was asked to focus upon two primary issues. First, how to build the LGAC into an effective communications link between local governments and the Environmental Protection Agency; and secondly, to develop recommendations for EPA on improving its relationships with local government. The following is a response to that assignment:

Topic One: **LIAISON STRATEGY AND PLAN**

Background

A major mission of the LGAC is to make connections between EPA and local governments. The LGAC accepts the challenge of working to connect the right people from EPA, at the right time, to the right local government officials, on the right issues. This connection must be timely, substantive, and effective.

The LGAC will focus on policy and regulatory issues, and technical assistance and grant opportunities. It is critical that the core of this effort be focused on the most important priority issues that impact local governments. Given the thousands of EPA staff members, and the tens of thousands of local governments, the LGAC must take a very strategic and pro-active approach in order to add value to this process.

The Outreach Subcommittee recommends to the LGAC the following liaison plan consisting of a strategic triad of the LGAC interacting with (1) associations, (2) regional offices, and (3) directly with selected local governments.

Liaison Strategy and Plan

A. Working Through Associations

Note: There are a wide variety of associations related to local governments; including broad, politically-oriented organizations (such as League of Cities, NACO, and US Conference of Mayors) to more narrowly-focused, technical societies (such as Public Works, AWWA, and SWANA). A comprehensive strategy will include coverage for all groups.

LGAC'S ROLE:

EPA will continue to seek representatives from the major national associations as part of the LGAC member selection process. These persons will be members of an association and have some history in working at the policy level within the organization. These LGAC members would accept the responsibility of understanding the high-priority issues in their assigned organization and keeping up to date on the EPA activities relative to these issues.

These LGAC members will use a variety of techniques in order to stay in tune with the issues of the association. Techniques will vary from organization to organization. In some organizations, monitoring of the web site will be important, and in others, attendance at key meetings and conferences will be critical. In most, maintaining contacts with key leadership within the organization will be required. These LGAC contacts will work with the association to determine how best to deliver information to the membership of the association, using newsletters, web sites, conferences, etc. The LGAC liaisons will facilitate the two-way communication between the organization, EPA, and the LGAC.

National Versus Local or Regional: Practical limitations recommend that the LGAC's focus be national in scope rather than local or regional. Therefore, these connections should be made at the national level. The LGAC will develop a list of the associations upon which to focus its efforts.

EPA'S ROLE:

EPA's responsibility in this LGAC-Associations relationship is to make the appropriate people available to assist. It is essential that the Administrator and Senior Staff adopt a policy requiring EPA staff members to provide accurate and timely information to LGAC members and the associations, and that they be responsive to requests for assistance. Further, the EPA must be willing to actively solicit input from local governments during critical phases in programs and processes, such as in policy development and rule making. The LGAC will help the EPA to understand that local governments are not simply a sector to be regulated, but also a valuable partner available to assist in reaching important environmental goals.

B. Working with Regional Offices

LGAC ROLE:

While the LGAC will focus on developing connections to associations at the national level, regional connections are also needed. LGAC will coordinate with the EPA regional offices to accomplish this. Regional offices were developed so that the EPA could be closer to the regulated community, and every regional office has some form of contact with local governments. The LGAC will encourage EPA to enhance the role of regional offices in interacting with local governments. A complicating factor is that the ten regional offices are organized differently and have varying levels of resources focused on relations with local governments. The LGAC will devote some time to understanding these ten unique relationships, and then determine how best to enhance them to the benefit of the EPA and the local governments. As a third party, the LGAC can bring a unique perspective to assist the EPA in building up these relationships.

C. Working Directly with Local Governments

LGAC Role:

In addition to working with associations and regional offices, the LGAC must have direct contact with local governments. Associations obviously do not represent all governments or all positions, nor do they address all issues. In addition, the LGAC needs first-hand contact with a variety of local governments in order to hear unfiltered messages. However, meaningful contact with local governments is an extraordinarily difficult assignment. There are over 35,000 local governments in the country. The following considerations are paramount in beginning this direct contact.

Recognize Differences

The LGAC will approach this task in a targeted, strategic, and pro-active way. First, the LGAC will develop separate strategies for large, medium-sized, and small governments, since they have varying needs. For example, many large governments have sophisticated environmental offices that can and should be consulted for input on all major EPA policy decisions. In contrast, thousands of small governments have little or no environmental expertise and need technical assistance and education. The LGAC will attempt to develop relationships with a representative sample of governments of each size. It is essential that the LGAC develop a robust and active network of contacts that cover regional and socioeconomic diversity, and contacts that connect to governments in a variety of locations (elected officials, environmental professionals, facility managers, etc.) The Small Community Advisory Subcommittee can be especially helpful in leading work with smaller jurisdictions.

State Government Relationships

The LGAC recognized that communication between the federal government and local governments must include interaction with states. Throughout this process, the LGAC will maintain communications with a variety of states and encourage them to be part of the process. States have an important role to play, and the LGAC needs to understand their perspective and be responsive to their issues. This task can be accomplished by the members of the LGAC that are from state governments, and by the members that have good working relationships with state officials. The ECOS- LGAC local government forum established by the Policy Subcommittee can be the beginning of this effort.

Topic Two:

ACCESS

Access is defined for the purposes of this report, as the ability of local governments and institutions to fully participate with Federal agencies to assure product, policy, or service effectiveness and desirability.

Background

One of the key areas of concern within local governments is the sense that many national initiatives intended to help communities are developed and implemented within a federal vacuum. Part of this struggle is the on going debate over the relationship between the two levels and part is the result of the different styles of relationships practiced by federal and state/local governments. For example:

- **Customer-Provider:** This style views programs as commodities, policies, or services provided by the federal government for the local entities. If that is true, then Executive Order 12862 on Government Customer Standard would apply, which explicitly outlines the Customer Service Survey procedure that federal agencies must follow throughout the development of the program. [Quite frankly, this Executive Order is not apparently followed or enforced.]
- **Partners:** This style views programs as a collaboration that meets the needs and optimizes the capabilities of each level of government. Within that relationship, local entities would be brought on during the development phase of the project, policy, or program, and not just as an "audience" for the final presentation.
- **Regulated-Regulator:** The Federal programs enforce specific laws and regulations that pertain to communities and/or institutions, thereby making it a fairly straightforward relationship.

Summary Considerations:

A. Clearly, the dynamics of the long, historic debate as to the constitutional relationship between the Federal government and states, as highlighted in the on going dialogue on federalism, and as articulated in the recently issued Executive Order 13132, will not be concluded by action of the LGAC and the EPA acting alone.

On the other hand, a better articulation of a joint "operating style" can be significant in building a more mature working relationship between EPA and Local Governments, and as such both EPA and local entities would benefit from clarifying the style that is most appropriate for intergovernmental activities, and by so doing, the roles and responsibilities of each government level will be easier to identify, thus fostering better coordination.

B. Thus, in order to engage local entities in either a partnership or customer-provider relationship, the Local Government Advisory Committee, going beyond the provisions of Executive Order 13132, recommends that the Administrator of EPA direct that:

RECOMMENDATIONS:

1) No new policies, programs and services which significantly impact local entities may be put forward by EPA without the Agency conferring with a broad representation from local government, institutions, and other relevant stakeholder groups.

2) Existing policies, programs and services that significantly impact local entities must be reviewed on a regular basis (no less frequently than every five years) in coordination with the update of the Agency's Strategic Plan and its Government Performance and Results Act submissions.

3) From this point forward, the criteria for grant programs that are designed to serve local entities must be reviewed by a broad representation from local government, institutions, and other relevant stakeholder groups during the development of the Federal Register Notice, and every three years thereafter for the duration of the program.

Topic Three:

CONSULTATION

Background Concepts:

LGAC believes that USEPA policy making and program implementation can be improved by seeking early “reality checks” from local government officials, elected and appointed. The LGAC membership and their collective networks of local government officials represent a wealth of professional experience. Early review of proposed policy as well as program changes should be sought from the LGAC.

ACCESSIBLE EPA

The LGAC understands that many policy decisions and program development evolve from the “ground up” with EPA. Therefore, LGAC encourages EPA to direct its technical and policy staff members throughout the organization to seek input from local government officials at the earliest stages of the decision making process. To facilitate this the LGAC makes the following recommendations and comments.

- 1. LGAC supports the ongoing development of LGEAN. Enhanced utilization of LGEAN and similar information sites represents an opportunity to make EPA more accessible. Moreover, further development of other interactive technology could provide additional and productive access for local government to EPA’s policymaking and program development efforts.**
- 2. LGAC supports enhanced utilization by EPA of list serves to enhance timely input from local government officials. EPA should develop procedures to utilize list serves at the earliest stages of program and policy development.**
- 3. LGAC urges EPA to investigate opportunities for institutionalizing local government advisory capacity within the agency’s regional structure.**

- 4. The LGAC commends EPA in its efforts to increased consultation with state and local elected officials in compliance with E.O. 13132. This consultation should be coordinated with other existing forms of consultation to build a stronger and more comprehensive interactive engagement of local government with EPA.**

STRENGTHENING LGAC

LGAC believes that it can play an effective consultation role for EPA and consequently enhance EPA's policymaking and program implementation. For this to be a reality the LGAC must build a strong network among local government officials and technical organizations to enhance the quality of its input to EPA as well as to enhance its credibility in the consultation role. To accomplish this the following actions are recommended:

RECOMMENDATION:

- 1. The LGAC and EPA should create a linkage between the LGAC and associations representing both elected local officials and local government professionals. Regular participation interaction and membership by these organizations on the LGAC can raise awareness of LGAC among local government officials while also enhancing the clout of the LGAC within the EPA decision making structure.**